

**BOARD OF ADJUSTMENT
APPEAL FORM**

The following information will be required prior to the appeal being scheduled for the Zoning Board of Adjustment.

- [] 1. Completed appeal form (and specific sections of the ordinance being appealed. **PIN (property identification number) must be on form. The application WILL NOT be processed without this number.**
- [] 2. **Variance Request Application Filing Fee \$150.00 plus \$50.00 for each additional request at the same site.**
- [] 3. **Interpretation Application Filing Fee \$400.00.**
- [] 4. **Eight (8) sets of the completed site plan**, including location of the building, landscaping, parking, signage or other pertinent information as requested by staff. **(Scaled Elevation Drawings are required - for Signs. Additionally pictures and a list of other signs on property are required)**
- [] 5. Submitted for Small Project Review (If applicable i.e. commercial uses)
- [] 6. **Contact phone number and mailing address on Appeal Form.**
- [] 7. Petitioner has checked for Homeowner Association Covenants or Restrictions.)
- [] 8. Signature on Appeal Form.
- [] 9. Notarized letter from property owner indicating that Petitioner has their permission to appeal to the Board of Adjustment **(This does not apply if the Petitioner is the property owner).**
- [] 10. **Subject to Building Code Review. (Petitioner - check with Building Safety Dept. {259-5656} to see if applicable).**
- [] 11. All attachments included with application.

NORTH CAROLINA
BUNCOMBE COUNTY
CITY OF ASHEVILLE

BEFORE THE ASHEVILLE
BOARD OF ADJUSTMENT

(Please fill out form completely)

Property Location: _____

Pin Map # (Mandatory) _____

(Application will not be processed without this number)

Zoning: _____ Occupancy _____

TYPE OF APPEAL: Zoning Variance [];

Title to this property is in the name of : (Furnish current address-please print legibly)

(Petitioner's Name) - PRINT

(Agent's Name) - PRINT

(Petitioner's Address)

(Agent's Address)

(Phone Number)

(Phone Number)-

[] I have obtained a Notarized letter from the property owner if applicable.

NORTH CAROLINA
BUNCOMBE COUNTY
CITY OF ASHEVILLE

BEFORE THE
BOARD OF ADJUSTMENT
VARIANCE APPLICATION FORM

Address of site: _____

TO THE ASHEVILLE BOARD OF ADJUSTMENT:

I, _____, hereby petition the Board of Adjustment for a variance from the literal provisions of the _____ Ordinance because, under the interpretation given to me by the Zoning Enforcement Officer, I am prohibited from using the parcel of land described in the attached form (General Application Form) in a manner shown by the plot plan attached to that form. I request a variance from the following provisions of the ordinance (cite paragraph numbers): _____ so that the above mentioned property can be used in a manner indicated by the plot plan attached to the General Application form or, if the plot plan does not adequately reveal the nature of the variance, as more fully described herein: (if a variance is requested for a limited time only, specify duration requested.) _____.

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the State enabling act, the Board is required to reach three conclusions before it may issue a variance: (a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance; (b) that the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit; and (c) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these three required conclusions.

a. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance. The courts have developed three rules to determine in a particular situation "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of the following:

(1) If he/she complies with the provisions of the ordinance the property owner can secure no reasonable return from, or make no reasonable use of the property. (It is not sufficient that failure to grant the variance simply makes the property less valuable.) _____

_____.

(2) The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (NOTE: Hardships suffered by the applicant in common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant, since a variance if, granted, runs with the land. _____

_____.

(3) The hardship is not the result of the applicant's own actions: _____

_____.

- b. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

- c. The granting of the variance secures the public safety and welfare and does substantial justice. (State facts and arguments to show that, on balance if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

I certify that all the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

Date

Applicant's Signature

Applicant's Name (Please Print)